IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.971 of 2005

Between:

K. Sree Ramanjaneyulu S/O Subbarao, Head Master (aided Elementary School), Srungarapuram, East Chowltry, D.No.4-3-22/17, Bapatla – 522 101, Guntur District.

..... PETITIONER

AND

1. The Regional Joint Director of School Education,
12/1, Arundalpet, Guntur, Guntur District.
2. The District Educational Offricer, Guntur District, Guntur.
3. The Management, rep., by its Manager/Correspondlent,
Aided Elementary School/High School,Srungarapuram,
Bapatla – 522 101, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not promoting the petitioner to the post of B.Ed., Assistant (aided) in the High School under the third respondent in spite of a clear vacancy and eligibility of the petitioner as illegal and arbitrary and it is further consequentially prayed to direct the respondent No.1 to forthwith take steps to promote the petitioner as B.Ed., Assistant in the High School under the third respondent management in accordance with law.

Counsel for the Petitioner: MR.S.R.SANKU

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

Counsel for the Respondent No.3 : None appeared.

The Court at the stage of admission made the following :

ORDER:

The petitioner states that he is the senior most S.G.B.T., teacher in the elementary as well as high schools being run by the third respondent and he is fully eligible to be promoted as B.Ed., Assistant to which S.G.B.T., is a feeder post. It is also stated that he is eligible for promotion as B.Ed., Assistant in the High School, being the only senior most S.G.B.T., with B.Ed., qualification. It is stated that there is a vacancy of B.Ed., Assistant, which arose due to the retirement of one Smt A.Vinajayalakshmi on 31.12.2004. The petitioner states that he made a representation dated 29.12.2004 to the respondents requesting to consider his claim for being promoted to the said post. But the same has not been considered by the respondents so far. Hence this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 and 2, without expressing any opinion with regard to the entitlement of the petitioner for being promoted to the said post, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 29.12.2004 and to pass appropriate orders in accordance

with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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28.01.2005

Note: Furnish C.C.,in three days.

(B/O)

SH

To

1. The Regional Joint Director of School Education,
12/1, Arundalpet, Guntur, Guntur District.
2. The District Educational Offricer, Guntur District, Guntur.
3. 2CCs to the G.P. for Education, High Court Buildings,
Hyderabad (OUT).

4. 2CD copies.